

DIVISION 6. HUMAN RIGHTS COMMISSION

Sec. 2-237. Human rights policy.

It is hereby declared to be the public policy of the city, including its employees, agents and officials, to protect and promote the constitutional, civil and human rights of all people within the city. Further, the city asserts that:

All people have certain inalienable rights, including the rights to life, liberty, property, the pursuit of happiness and equal justice under the laws of the United States, the commonwealth and the city. No person in our city shall have these rights constrained, reduced, ignored or violated; all people in our city shall be protected in the exercise of these human and civil rights. No person in our city shall be unlawfully discriminated against in matters of housing, employment, education, contracts, purchasing or public accommodations, on the basis of: age, ancestry, citizenship, color, disability, economic status, ethnicity, family/marital status, gender, military status, national origin, race, religion, sexual orientation or source of income.

The human rights commission shall work toward mutual respect and understanding among all individuals and groups in the city through improving the quality of public discourse and eliminating unlawful discrimination.

Sec. 2-238. Human rights commission.

- (a) There shall be in the city a commission known as the Somerville human rights commission, hereinafter called the "commission," which shall consist of up to twelve members appointed by the mayor and approved by the board of aldermen, to serve without compensation.
- (b) The original commissioners shall be appointed from a list developed by the mayor's task force on racism and violence through an application process which shall include advertisements in three local newspapers in no fewer than three languages.
- (c) The commissioners shall serve a term of three years; however, of the members first appointed to the commission four shall be appointed to a term of one year, four shall be appointed a term of two years, and four shall be appointed to a term of three years. Subsequent members of the commission shall be appointed to a term of three years by the mayor and approved by the board of aldermen. The commission may provide recommendations for subsequent members. If the vacancy occurs prior to the expiration of the member's term, an appointment shall be made for the remainder of the term.
- (d) If any commissioner has more than six excused absences from meetings of the commission during a calendar year or if any commissioner has more than three unexcused absences (absences without prior notice to the commission) from meetings of the commission during a calendar year, the position held by said commissioner shall be automatically vacated upon certification to the mayor by the commission.

Sec. 2-239. Human rights commissioner qualifications.

- (a) The commission at all times shall strive to be representative of all socioeconomic and racial segments of the city as well as different neighborhoods.
- (b) Commissioners must be residents of the city at the time of their appointment and throughout their tenure.
- (c) Commissioners shall be classified as special municipal employees for the purposes of M.G.L.A. c. 268A.

Sec. 2-240. Human rights commission chairpersons and bylaws.

- (a) The members of the commission shall annually elect two co-chairpersons from among its members who shall not hold that office for more than three consecutive terms. The commission may elect other officers with the permission of the mayor.
- (b) Subject to the approval of the mayor, the commission shall adopt a set of rules for its administration which are consistent with the laws for the commonwealth and ordinances of the city.
- (c) Seven members or at least fifty-one percent of the entire membership, if the Human Rights Commission consists of fewer than twelve members at the time, shall constitute a quorum for conducting business

Sec. 2-241. Human rights commission executive director.

- (a) There shall be an executive director who shall be appointed by the mayor and approved by the board of aldermen with the advice of the commission.
- (b) The prospective director of the commission shall have experience in the advancement of equality for all and the ability to work cooperatively with people of various socioeconomic backgrounds and of every race, color, national origin, age and sexual orientation.

Sec. 2-242. Human rights commission functions.

- (a) The first function of the commission shall be to improve the life of the city by enlisting community-based groups in educational programs and campaigns to increase mutual self-respect, harmonious intergroup relations, and the peaceful enjoyment of life in our diverse community.
- (b) The second function of the commission shall be to respond to complaints by persons in the city who believe that their human or civil rights, as defined by existing local, state and federal law, have been violated in Somerville.
- (c) The third function of the commission shall be to initiate investigations into circumstances which appear to the commission to unlawfully discriminate against any of the people of the city.
- (d) The fourth function shall be to work with municipal government departments, the school department, commissions and boards, to increase compliance with appropriate local, state and federal laws and to raise the level of awareness and sensitivity to human rights issues in municipal business with the public through workforce-wide required training programs.

Sec. 2-243. Human rights commission duties.

The powers and duties of the commission shall include the following:

- (1) To obtain information and documents, request staff support and other help as necessary from other city departments, including the school department.
- (2) To publish reports and other documents.
- (3) To initiate investigations into the existence of unlawful discrimination in the city which may deny or tend to deny equal access or opportunity in matters of housing (except as covered by the Somerville Fair Housing Ordinance, sections 7-41 through 7-48), employment, education, contracts, purchasing or public accommodations, on the basis of: age, ancestry, citizenship, color, disability, economic status, ethnicity, family/marital status, gender, military status, national origin, race, religion, sexual orientation or source of income; and in connection therewith to hold administrative hearings.

- (4) In order to properly conduct its investigations the commission shall have the power to:
 - a. Summons witnesses (pursuant to M.G.L.A. c. 233, § 8);
 - b. Administer oaths;
 - c. Serve written interrogatories;
 - d. Reserved.
 - e. Take testimony under oath;
 - f. Require the production of evidence;
 - g. Publish findings;
 - h. Insert complaints and resolutions into municipal personnel files, consistent with the several collective bargaining agreements; and
 - i. Recommend actions to the mayor.
- (5) To attempt by negotiation to resolve all complaints that come before it and recommend to all appropriate governmental agencies, federal, state or local, such action as it feels will resolve such complaint.
- (6) To refer complaints, when appropriate, to the Massachusetts Commission Against Discrimination, or other agency, for resolution.
- (7) To create committees and task forces for the carrying out of the purposes of the commission.
- (8) To raise funds for the use of the commission and to accept money, gifts and services for its exclusive use and expend or use the same.
- (9) To publish as a public document its by-laws, policies, and practices for both internal functions and external activities, excluding those documents which are confidential under federal, state or municipal law.
- (10) To publish its rules of procedure for the conduct of its investigations, hearings, and negotiations. These rules shall ensure the due process rights to all persons and/or entities involved in an investigation. At any hearing before the commission, or any committee thereof, a witness shall have the right to be advised and represented by counsel.
- (11) To publish an annual report of the state of human rights in the city drawn from its own resources as well as records of other city departments.
- (12) To render to the mayor and the board of aldermen a full written report of its activities and its recommendations, not less than once a year.
- (13) To expend, with approval of the mayor, such funds as are appropriated for the aforementioned purposes. The commission shall annually prepare an operating budget in a timely manner.

Sec. 2-244. Human rights commission records.

All commission records shall be public except those that are necessary to ensure privacy rights under other local, state or federal laws, and those records which must be kept confidential in compliance with the rules of evidence.

Sec. 2-245. Human rights commission advisory council.

(a) The commission shall establish an advisory council which shall provide general advice and counsel to the commission, as well as assistance in carrying out the policies of the commission.